



CASE A-21884/A/PCT

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

ANDREA Delecchi
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Andrea Delecchi
Signature

1/4/02
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

DAVID GEORGE LEPPARD ET AL.

APPLICATION NO: 09/856,769

FILED: MAY 24, 2001

FOR: PROCESS FOR THE PREPARATION OF

ACYLPHOSPHINES, ACYL OXIDES AND

ACYL SULFIDES

Group Art Unit:

Examiner:

Assistant Commissioner for Patents

Washington, D.C. 20231

RECEIVED

13 FEB 2002

Legal Staff
International Division

PETITION UNDER RULE 1.47(a)

Dear Sir:

Applicants request that the USPTO permit acceptance of application filed by the other inventors in the above-identified patent application on behalf of an inventor that refuses to sign a declaration and power of attorney.

The named inventors are David George Leppard, Eugen Eichenger, Rene Kaeser, Gebhard Hug, and Urs Schwendimann. All of the named inventors have signed the declaration and power of attorney, except for Rene Kaeser.

Sale Ref: 00000001 PA#: 031935 09856769

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The Commissioner is authorized to charge the fee due under 37 CFR 1.17(h) and any other fee due, or credit any overcharge, as a result of this Petition to Deposit Account No. 03-1935.

The last known address of the non-signing inventor is:

Stadtgasse 2

1718 Rechthalten

Switzerland

The above-identified patent application contains subject matter that was prepared by Kaeser during the term of his employment and using Ciba's resources. A copy of the final application was provided to Kaeser in May 2001.

Kaeser was contacted on multiple occasions in order to get the required signature. These efforts were unsuccessful. Kaeser still refuses to sign the required declaration and power of attorney.

Applicants submit that proof has been submitted that an inventor refuses to join in this application and has been provided with a copy of the application. The requisite facts and background are supported by an accompanying Declaration. Applicants further submit that a declaration has been submitted in response to a Notice of Missing Parts in which all of the named inventors, but for Kaeser, have signed. For these reasons, Applicants request that this petition under 37 CFR 1.47(a) be granted and the application be forwarded for prosecution on the merits.

Respectfully submitted,



David R. Crichton
Attorney for Applicants
Reg. No. 37,300

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Encl.: Declaration